

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRL. REVISION No.4722 OF 2017 (O&M)
DATE OF DECISION : 31st AUGUST, 2018**

Subhash

.... Petitioner

Versus

State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. B. S. Tewatia, Advocate for the petitioner.

Mrs. Tanisha Peshawaria, DAG Haryana.

Mr. Bijender Dhankhar, Advocate for respondents No.2 to 7.

* * * *

A. B. CHAUDHARI, J. (ORAL)

CRM-18882-2018

Heard learned counsel for the rival parties on the application for condonation of delay of 47 days in filing the revision petition against the order dated 31.07.2017 passed by learned ASJ Palwal.

In ordinary course, the delay of 47 days in filing the revision petition could have been condoned, as the Courts are liberal in condoning small delay. However, the application shows that following reasons for seeking condonation of delay, the relevant para reads thus:

“2. That the petitioner moved application u/s 319 Cr.P.C. same was dismissed and after conclude some evidence he moved second application same was also dismissed by the Ld. ASJ Palwal then the petitioner filed Crl. Revision No.3341 of 2017 titled as **Subhash Vs. State of Hry & Ors.** Against the order passed by Ld. ASJ Palwal in second application u/s 319 Cr.P.C.

in which notice of motion was issued and on the next date of hearing passing the final judgment till then was passed. At the time of final argument on 13.12.2017 Lordship observed that you have not challenge the order passed by Ld. ASJ Palwal in first application u/s 319 Cr.P.C. so that case was adjourned for 11.01.2018. When the petitioner filed the second revision for challenging the order dated 31.07.2017 passed by Ld. ASJ Palwal in the first application u/s 319 Cr.P.C. till then the delay of 47 days was occurred...xxx....xxx.”

Section 5 of the Limitation Act stipulates ‘sufficient cause’. The sufficient cause that is shown in para 2 aforesaid is somewhat strange and it cannot be sufficient cause for litigant to say that the Court made such and such observation and therefore, there is sufficient cause for condonation of delay. Therefore, this Court finds that the reason given for the condonation of delay is misconceived and the same is rejected.

In that view of the matter, the application for condonation of delay in filing the revision petition stands dismissed.

CRL. REVISION No.4722 OF 2017

Consequent upon the dismissal of application for condonation of delay in filing the present revision petition, the revision petition is dismissed as well.

31st AUGUST, 2018
‘raj’

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>